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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,116	02/18/2004	Albert A. Wray	TRB 0001 PA/41128.2	1954

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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,116	Applicant(s) WRAY, ALBERT A.	
	Examiner Meredith C. Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-10, 13, 16-43 is/are pending in the application.
- 4a) Of the above claim(s) 25-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-10, 13, 16-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 4 and the second claim numbered 43 is objected to because of the following informalities:
 - a. Claim 4, line 5, “such an on grade reference” should be –such that an on grade reference”.
 - b. There are two claims numbered 40. The second claim numbered 40 should be renumbered. Henceforth, the second claim numbered 40 will be referred to as claim 40’.
 - c. There are two claims numbered 43. The second claim numbered 43 should be renumbered as claim 44. Henceforth, the second claim numbered 43 will be referred to as claim 43’.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-7, 9-10, 13, 16-24 and 37-43’ are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,807,131 to Clegg.

Art Unit: 3671

Regarding claims 16, 18, 37, 38, 40', Clegg discloses a device for establishing a link mode of operation of a blade including:

- a signal source (laser 10)
- a plurality of detectors (12 and Col. 66-68) mounted on masts
- a controller (Fig. 2) that maintains a substantially constant vertical distance between the edge of the blade and an on-grade reference elevation from the detectors.

Regarding claim 2, the output displays one blade position value (Col. 15, lines 53-59 and Col. 13, lines 1-6).

Regarding claims 3 and 41, the device has a laser guidance apparatus including a signal source (10) and a plurality of detectors (12 and Col. 10, lines 66-68).

Regarding claims 4, 39-40 and 43', Clegg further discloses the controller having:

- a data interface (Fig. 2)
- user operable input mechanism (52, 116)
- an information processor (120)
- an output (130a)

Regarding claims 5-6 and 19, the signal source is a laser source (10).

Regarding claims 7, 9, 17, 20-21 and 42-43, in the linked mode (i.e. second mode considered to be when the elevation of the blade is controlled) the blade is moved up and down (Col. 15, lines 53-59). The detectors can be moved up and down (Col. 15, lines 53-59) and are stationary when the actuators do not move.

Regarding claim 10, the information processor is a CPU (120).

Art Unit: 3671

Regarding claim 13 and 22, the guidance apparatus includes masts (14).

Regarding claim 17, the user can define a predetermined slop (Col. 16, lines 4-11).

Regarding claim 23-24, the masts are mounted on the blade (Col. 10, lines 66-68).

Regarding claim 38, the controller (Fig. 2) permits either manual or automatic operation.

Response to Arguments

4. Applicant's arguments filed 4/19/2006 have been fully considered but they are not persuasive.

Applicant argues that Clegg does not anticipate the claims as amended. Contrary to Applicant's arguments, Clegg does disclose the claimed invention as specifically pointed out above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

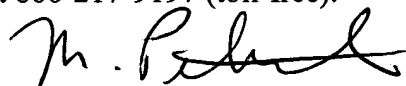
Art Unit: 3671

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick
Primary Examiner
Art Unit 3671

August 6, 2006